

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application N .

09/901,244

Examin r

Charles A. Marmor, II

Applicant(s)

RAVIV ET AL.

Art Unit

3736

--Th MAILING DATE of this communication appears on the cov r sheet with th correspondenc address --


The reply filed 02 November 2004 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:
- a. ☒ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
- b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief. See 37 CFR 41.33(d)(2).
2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.
4. ☐ Other:

New 37 CFR 41.33(b) provides that amendments filed on or after the date of filing of an appeal brief may be admitted only to (1) cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding or (2) rewrite the dependent claims into independent form. Since the amendments filed concurrently with the Appeal Brief of October 28, 2004 do not fall into either of these categories, the amendments have been denied entry.

  
CHARLES MARMOR  
PRIMARY EXAMINER